

August 10, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Subscriber Notification and Acknowledgement Status and Compliance
Report of Yak Communications (America) Inc.; WC Docket No. 05-196**

Dear Ms. Dortch:

Yak Communications (America) Inc. ("Yak"), through its undersigned counsel and in compliance with the Commission's *VoIP E911 Order* ("Order") and the Public Notice issued by the Enforcement Bureau on July 26, 2005 ("Public Notice"), submits this Subscriber Notification and Acknowledgement Status and Compliance Report to advise the Commission of the status of Yak's efforts to comply with Commission Rule 9.5(e).

As required by the Public Notice, Yak responds to the following questions set out in the Public Notice:

- 1) A detailed description of all actions the provider has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers.**

(a) Existing VoIP Subscribers

On July 20, 2005, Yak sent via electronic mail to the email address of record for its existing subscribers who subscribe to Yak's two-way interconnect services (*i.e.*, services that enable subscribers to receive calls from, and terminate calls to, the public switched telephone network ("PSTN")), advising them of all 911 and E911 service limitations ("E911 Customer Notice" or "Notice"). Specifically, Yak advised such subscribers that its VoIP service does not offer 911 or E911 emergency services and that the service is not intended to be a primary line

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replacement service. In the Notice, Yak further requested that the subscriber reply to the e-mail message to confirm his/her acceptance of the E911 limitations. Since July 25, 2005, Yak customer service representatives have been calling those subscribers who have not responded to the E911 Customer Notice by e-mail. Yak will continue this calling campaign throughout the month.

(b) New VoIP Subscribers

Currently, the only method by which Yak signs up new subscribers is through its website (<http://yakworldcity.com/>). The webstore sign-up process requires that subscribers review Yak's E911 service limitations and acknowledge and agree that the subscriber has read, understood and accepts the 911 limitations associated with Yak's service. Customers will not be able to sign-up for Yak's service and service will not be initiated unless they provide this acknowledgement. These procedures have been in place since August 5, 2005. By August 12, 2005, Yak will send the E911 Customer Notice via electronic mail to the email address of record of any VoIP subscriber that has signed up for service between July 20 and the August 5.

2) A quantification of how many of the provider's subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005.

As of August 9, 2005, Yak has obtained affirmative acknowledgement from approximately 19% of its (two-way interconnect service) VoIP subscriber base. Yak cannot predict with precision what its final response rate will be, but estimates that 20% of its subscribers will still not have provided affirmative acknowledgement by August 29, 2005.

3) A detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (i.e. e-mail, U.S. mail).

(a) Existing VoIP Subscribers

On July 29, 2005, Yak sent via U.S. mail warning labels to the addresses of record for all of its existing VoIP subscribers. Included with those labels were appropriate instructions that advise the subscriber to place the labels on or near the customer premises equipment.

(b) New VoIP Subscribers

Since August 9, 2005, warning labels are being included in the "Welcome Kit" sent to new subscribers via mail to their address of record. The "Welcome Kit" includes, among other things, the subscriber premises equipment that must be utilized by the subscriber in order to

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receive Yak's VoIP service. By August 12, 2005, Yak will mail warning labels to the address of record of VoIP subscribers that signed up for service between July 29 and August 9.

4) A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in Question 1 and/or to whom the provider did not send warning stickers or other appropriate label as identified in Question 3.

Yak has not sent its E911 Customer Notice to approximately 6% of its VoIP subscriber base. As noted under Item (1) above, Yak has not yet sent its Notice to new VoIP subscribers that signed up for service between July 20, 2005 and August 5, 2005. By August 12, 2005, Yak will send the E911 Customer Notice via electronic mail to the email address of record of VoIP subscribers that signed up for service between July 20 and August 5.

Yak has not sent warning stickers to approximately 2.5% of its VoIP subscriber base. As noted under Item (3) above, Yak has not yet sent warning labels to new VoIP subscribers who signed up for service between July 29, 2005 and August 9, 2005. By August 12, 2005, Yak will mail warning labels to the address of record of VoIP subscribers who signed up for service between July 29 and August 9.

5) A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the subscriber's VoIP service with the Company no later than August 30, 2005.

As described under Item (1), Yak is continuing its campaign to contact and obtain affirmative acknowledgment from all of its subscribers by telephoning all subscribers who have not replied to its E911 Customer Notice by e-mail.

As detailed under Item (2), Yak expects that despite its diligent efforts, the Company will not be able to obtain affirmative acknowledgement from approximately 20% of its subscribers by August 29, 2005. For those subscribers that do not provide affirmative acknowledgement, on August 30, 2005, Yak currently plans to disconnect subscribers from their service until affirmative acknowledgement is provided.

6) A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers.

Yak is storing all e-mail responses in a secure database and tracking subscriber responses against a database file. With respect to telephone follow-up calls, Yak is recording the telephone call and converting the conversation, which includes the confirmation regarding 911 and E911 limitations, to a computer file, which is also stored in a secure database. Yak is also tracking these subscriber responses against a database file.

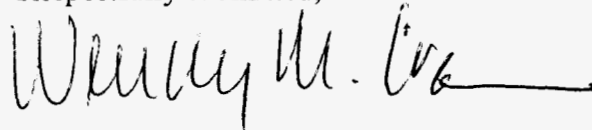
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7) The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the VoIP E911 Order.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wendy M. Creeden", followed by a horizontal line.

Catherine Wang
Tamar E. Finn
Wendy M. Creeden

Counsel for Yak Communications (America) Inc.

cc: Byron McCoy (FCC)
Kathy Berthot (FCC)
Janice Myles (FCC)
Best Copy and Printing, Inc.
Benjamin Rovet (Yak)

I, Benjamin Rovet, state that I am Corporate and Regulatory Counsel, of Yak Communications (America) Inc.; that I am authorized to submit the forgoing *Subscriber Notification and Acknowledgement Status and Compliance Report* ("Report") on behalf of Yak Communications (America) Inc. that the *Report* was prepared under my direction and supervision; and I declare under penalty of perjury that the *Report* is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, appearing to read 'Ben Rovet', is written over a solid horizontal line.

Name: Benjamin Rovet

Title: Corporate and Regulatory Counsel
Yak Communications (America) Inc.